

IN THE UNITED STATES DISTRICT COURT**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CROSS ATLANTIC CAPITAL PARTNERS, INC.,

CIVIL ACTION

Plaintiff,

NO. 07-CV- 02768-JP

v.

FACEBOOK, INC. and THEFACEBOOK, LLC,

ORAL ARGUMENT REQUESTED

Defendants.

FACEBOOK MOTION NO. 5**FACEBOOK'S NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY
JUDGMENT PRECLUDING INJUNCTION**

COME NOW the defendants Facebook, Inc. and Thefacebook, LLC (collectively "Facebook"), by and through undersigned counsel, and hereby move for partial summary judgment precluding Plaintiff Cross Atlantic Capital Partners, Inc. ("XACP") from seeking injunctive relief.

The grounds for this motion are set forth in the accompanying memorandum, statement of material facts in accordance with the Hon. John R. Padova's Policies and Procedures, attorney declaration and attached exhibits, which are incorporated by reference as if fully set forth herein.

A certificate of service and proposed order are also supplied herewith in accordance with Local Rules 7.1(a) and (d).

Oral argument is hereby requested in accordance with Local Rule 7.1(f).

WHEREFORE, defendant Facebook respectfully requests that this Court grant its motion and enter an order precluding plaintiff XACP from seeking injunctive relief.

Respectfully submitted,

Dated: June 20, 2008

By: /s/ Heidi L. Keefe

Heidi L. Keefe
Mark R. Weinstein
Craig W. Clark
WHITE & CASE LLP
3000 El Camino Real
5 Palo Alto Square, 9th Floor
Palo Alto, CA 94306

Alfred W. Zaher
Dennis P. McCooe
BLANK ROME LLP
130 N 18th St
Philadelphia, PA 19103

Attorneys for FACEBOOK, INC. and
THEFACEBOOK, LLC

CERTIFICATE OF SERVICE

This is to hereby certify that on June 20, 2008, I caused a true and correct copy of the foregoing **Facebook’s Notice of Motion and Motion for Partial Summary Judgment Precluding Injunction** to be served *via* this Court’s Electronic Filing (“ECF”) System, upon the following:

Frederick A. Tecce, Esq.
McShea/Tecce, P.C.
The Bell Atlantic Tower – 28th Floor
1717 Arch Street
Philadelphia, PA 19103
ftecce@mcshea-tecce.com

Thomas J. Duffy, Esq.
Patrick J. Keenan, Esq.
Duffy & Keenan
One Liberty Place, 55th Floor
1650 Market Street
Philadelphia, PA 19103
pjk@duffykeen.com

Counsel for plaintiff
Cross Atlantic Capital Partners, Inc.

/s/ Heidi L. Keefe
Heidi L. Keefe